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Application No: 10/004,089
Response to Office Action of 04/17/2007**REMARKS**

The Final Office Action dated April 17, 2007 contained a final rejection of claims 1-17, 24-27 and 33-36. The Applicants have amended claims 1, 10, 13, 24 and 33. Claims 1-17, 24-27 and 33-36 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-17, 24-26 and 33-36 under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the written description requirement.

The Applicant respectfully traverses this rejection and submits that the claims are supported by the specification. However, in an effort to expedite the prosecution of this case, the Applicant has amended the claims as suggested by the Examiner to overcome this rejection.

The Office Action rejected claims 1-17, 24-26 and 33-36 under 35 U.S.C. 102(e) as allegedly being anticipated by Kusano et al. (U.S. Patent No. 2003/0074421). The Office Action rejected claim 27 under 35 U.S.C. 103(a) as allegedly being unpatentable over Kusano et al. in view of Official Notice.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Specifically, the Applicant's independent claims now include plural user interfaces and programming one or more of selectors to perform a freeze frame, instant replay and display pertinent text information by having the computer-assisted equipment receive content including audio, video and text while a remote control device receives interface instructions and controls the content. Support for these newly added claimed elements can be found throughout the specification. For example, the claim amendments are clearly disclosed in FIG. 3 (element 350) and at least in paragraphs [0026], [0028] and [0036] of the Application specification (U.S. Patent Publication No. 2003/0079002).

With regard to the rejection under U.S.C. 102, the Applicants respectfully submit that Kusano et al. do not disclose, teach, or suggest all of the above claimed features. Although Kusano et al. disclose providing a user with a user interface for consumer electronic devices, the user interface in Kusano et al. does not program

one of selectors to perform a freeze frame, instant replay and display pertinent text information by having the computer-assisted equipment receive content including audio, video and text while a remote control device receives interface instructions and controls the content, like the Applicants' claimed invention. Instead, Kusano et al. merely disclose a user interface operated by an application that organizes data, such as music, received from a web server.

In addition, the user interface in Kusano et al. is one single consistent user interface that is located on the remote computer and not plural user interfaces on the consumer electronic devices (see at least Summary, paragraphs [0006], [0007] and [0064] and FIGS. 1, 2, 5 and 6-7 of Kusano et al.), like the Applicants' claimed invention. For example, Kusano et al. explicitly states that it only uses "one consistent user interface via which a user can control a web-enabled device; store and access locally stored data; and effectively find and access information via the internet and store the acquired information in an integrated manner with locally stored data." (see paragraph [0007] of Kusano et al.). Consequently, unlike the Applicants' claimed invention, Kusano et al. requires only one consistent user interface as software operating on a central computer and not plural user interfaces that reside and operate on the individual devices.

Further, in addition to the arguments that Kusano et al. do not disclose, teach or suggest all of the Applicants' claimed features, Kusano et al. should not be used as a reference because it teaches away from the Applicants' claimed invention. In particular, as argued above, Kusano et al. explicitly require one consistent user interface as software operating on a central computer (see at least paragraph [0007] of Kusano et al.).

In contrast, the Applicants' claimed invention uses plural user interfaces that reside on the equipment, and not one consistent user interface that operates as software on a central computer. Therefore, the Applicants' claims are in direct conflict with Kusano et al. because Kusano et al. requires one consistent user interface that operates as software on a central computer. Consequently, Kusano et al. would be rendered inoperable if plural user interfaces were used, like the Applicants' claimed invention.

It is well settled that when a teaching away exists, the reference(s) should not and cannot be considered. Tec Air, Inc. v. Denso Mfg. Mich. Inc., 192 F.3d 1353, 52

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USPQ2d 1294 (Fed. Cir. 1999). Hence, this "teaching away" prevents obviousness from being established. In addition, the failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention also indicates a lack of a prima facie case of obviousness. W.L. Gore & Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Thus, the Applicants respectfully request withdrawal of this rejection because the cited reference does not contain all of the features of the Applicants' claimed invention, so it cannot anticipate the claims.

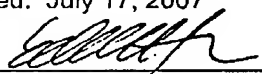
With regard to the rejection under 35 U.S.C. 103, the cited reference in combination with the Official Notice taken by the Examiner does not render the claims obvious, because the Official Notice in combination with Kusano et al. are still missing the claimed features argued above.

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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Respectfully submitted,
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